

## **REMARKS**

### ***I. Status of the Claims***

Claims 1-5, 7, 8, 10-19, 21, 22, 24-28, 30, 31 and 33 are pending in this application with Claims 6, 9, 20, 23, 29 and 32 being withdrawn for consideration due to an election in response to a Restriction Requirement. Claim 7 has been cancelled herein and Claims 1, 10, 18, 30 and 33 have been amended herewith to further clarify the subject matter being claimed and to comply with claim construction acceptable in U.S. practice. No new subject matter is introduced by the claim amendments. Based on the Remarks below, reconsideration and allowance are respectfully requested.

### ***II. Election/Restrictions***

The Examiner has acknowledged Applicants' election with traverse of Species 1, Figures 1-3, Claims 1-5, 7, 8, 10-19, 21, 22, 24-28, 30, 31 and 33. The Examiner has made the restriction requirement final.

### ***III. Formalities Objections***

#### **A. Abstract**

The Abstract was objected to for lack of compliance. Appropriate amendments have been made and a clean copy is submitted herewith.

#### **B. Claims**

Claims 10, 30 and 33 were objected to for failure to comply with formalities. The claims have been amended herein accordingly and the objections are rendered moot.

### ***IV. Indefiniteness Rejection***

Claim 18 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. The claim has been amended and the objection is rendered moot.

***V. Prior Art Rejections***

A. Claims 1-5, 7, 8, 10-19, 21, 22, 24-28, 30, 31 and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lopez-Crevillen et al. (U.S. Patent No. 4,394,853) (the '853 patent). Applicants respectfully traverse the objection as follows:

The Office Action indicated that the '853 patent discloses a fastening element capable of use with plastic containers, comprising a plurality of first bushings 56 interconnected by connecting bridges 52, 54, 55 as shown in Figs. 3 and 5 of the reference. However, in the '853 patent the longitudinally extending support members (52, 54, 55) do not define a planar axis that is interconnected to the bushings and essentially parallel to the axes of the bushings.

As can be seen, especially in Figures 1, 6 and 7 of the present application, the distinguishing feature of the presently claimed invention is the vertical orientation of the flat connecting bridges (2, 2a). The plane defined by the surface width (not the thickness) of the flat connecting bridges is parallel to the axis of the first bushings 3 (see Claim 7 and Figures). In other words, an axis going through the plane of the flat connecting bridges is parallel to the axis of the first bushings 3. In contrast, the '853 patent refers to longitudinally extending support members 51, wherein the "horizontal wall 51" essentially represents the main part, while there are further upwardly extending outer stiffening flanges 54 and downwardly extending inward stiffening flanges 55 (see the '853 patent, col. 3, lines 3-8; Figure 3), which only represent a minor part of the connecting bridges.

As the '853 patent itself states, the wall 51 of the longitudinally extending support members 51 is horizontal compared to the orientation of the axis of the sleeves 56, which seems to be necessary, in order to meet the sealing requirements of that special construction.

The present invention, however, provides a different structure, namely wherein the planar wall (or the widths) of the (flat) connecting bridges is essentially parallel to the (vertical) longitudinal axes of the first bushings and connected to the bushings. As described on page 8,

lines 5-14 of the present application, "in this arrangement only one edge of the connecting bridge contacts the bottom surface of the plastic flange, thereby achieving immense stability of the system."

Further, the fastening element according to the present invention is constructed in that the bushings are introduced into the holes of a flange of a container and the connecting bridges to make an accurate and close (and direct) fitting at the lower edge of the flange.

According to Fig. 3 of the '853 patent, the sleeves 56 indeed are introduced into the openings 63 of the container. However, there remains a sealing 44 between the wall 52 (and also between the flanges 54 and 55) of the support member on one hand and the flange 36 of the oil pan 27 on the other hand. The sealing makes it necessary to have the horizontal orientation of the wall 52. As a result, there is no direct contact between support member and container in the '853 patent.

However, as can be seen from Figs. 2 and 3 of the present application, the fastening element is not in direct contact with any sealing means.

From the '853 patent, a person skilled in the art would draw upon a teaching to construct support members 51 having sleeves, wherein the connecting bridges between the sleeves form flat walls in horizontal orientation in relating to the axis of the sleeves, for fixing a sealing (44) to the lower edge of a flange of an oil pan.

This teaching is different from the present application, which refers to a fastening element having vertical connecting bridges in order to make a direct, accurate and close fit to the lower flange of the container to be fixed, while the sealing occurs on the other side (upper side) of the flange. There is no direct contact between the fastening element and the sealing.

In the present invention, the fastening element is not only involved in sealing the plastic container, but to insure that the transfer a high strain radiating from the screw-on points during or after screwing are equally distributed over the flange of the container in order to minimize the

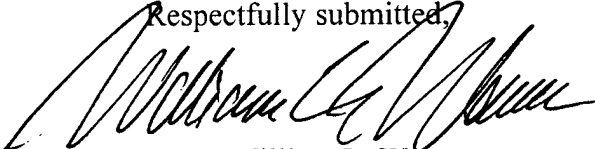
number of the fixing points, but not to damage the flange of the plastic container (see description of the present application, page 6, section "Detailed Description").

In summary, the construction of the present application is significantly different and confers distinct advantages over the prior art. A person skilled in the art can not draw any suggestion from the '853 patent to arrive at the construction of the present application. Therefore, Applicants respectfully request withdrawal of the prior art rejection and allowance of the pending claims.

***V. Conclusion***

The foregoing is submitted as a full and complete response to the Office Action mailed November 14, 2005.

Please charge any additional fees, or credit any overpayment, to Deposit Account 19-5029 (Ref.: 18584-0014). If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (404) 853-8081.

Respectfully submitted,  


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